

1 FW



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES

Application No.	:	09/319,243	Confirmation No.:	2663
Applicant	:	Ping Liong Tjoa		
Filed	:	June 7, 1999		
Title	:	Training Apparatus		
TC/A.U.	:	3764		
Examiner	:	L. Hamilton		
Docket No.	:	TJOA3001/FJD		
Customer No.	:	23364		
Appeal No.	:	2009-010006		

REPLY TO EXAMINER'S RESPONSE TO REMAND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22202-3514

Sir:

On February 12, 2009, the Board issued an ORDER REMANDING TO THE EXAMINER for the purpose of "1) to state for the record whether the product brochure submitted by the Appellant has been entered; 2) to weight the evidence submitted by Appellant as evidence of secondary considerations of nonobviousness; 4 [sic]) to reconsider the extent to which Bosko, Coallier, Jackson, and other available prior art render obvious the subject matter of claims 17 - 21 in light of the Appellant's evidence of secondary considerations, fully treating each entered submission on the record, and explaining why the submission is or is not sufficient to overcome the rejections....."

On April 24, 2009 the examiner issued a response, noting : "[t]he declarations filed under 37 CFR 1.132 filed August 28, 2006 is [sic] insufficient to overcome the rejections of claims 17 - 21 The declarations do not specifically demonstrate how a prima facie case of obviousness has not been proven.....The..... submitted declarations showing how the apparatus is utilized and information concerning the apparatus as tested by users and feedback; however, the submissions do not present direct evidence sufficient to overcome the combination of elements disclosed by Bosko and.....Therefore, the declarations are insufficient."